

From the
INTERNATIONAL PRELIMINARY EXAMINING

PATENT COOPERATION TREATY

PCT

**NOTIFICATION OF TRANSMITTAL OF
INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

(PCT Rule 71.1)

To: Darae Patent Firm 10th Floor, KIPS, 647-9, Yeoksam-dong, Kangnam-ku, Seoul 135-980, Republic of Korea
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Date of mailing (day/month/year) 04 FEBRUARY 2005 (04.02.2005)

Applicant's or agent's file reference 03PP181
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IMPORTANT NOTIFICATION

International application No. PCT/KR2003/002339

International filing date (day/month/year) 04 NOVEMBER 2003 (04.11.2003)
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Priority date (day/months/year) 04 NOVEMBER 2002 (04.11.2002)
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Applicant CHO-A PHARM CO., LTD. et al


1. The applicant is hereby notified that International Preliminary Examining Authority transmits here with the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

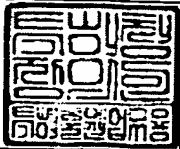
4. REMINDER

The applicant must enter the national phase before each elected office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details in the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

	Name and mailing address of the IPEA/KR Korean Intellectual Property Office 920 Dunsan-dong, Seo-gu, Daejeon 302-701, Republic of Korea
	Facsimile No. 82-42-472-7140

Authorized officer COMMISSIONER	
Telephone No. 82-42-481-5281	

INTERNATIONAL PRELIMINARY EXAMINATION

International application No.

PCT/KR2003/002339

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-12	YES
	Claims		NO
Inventive step (IS)	Claims	1-12	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-12	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

Claim 1 of the present invention relates to porcine uroplakin II (UP II) promoter which has nucleotide sequence set forth as SEQ ID NO.1 and Claim 2 relates to variant of UP II promoter with mutation.

The most relevant prior art might be D1 (Biochemical and Biophysical Research Communication, Vol.293, No.2, pages 862-869, May 2002.)

D1 discloses partial sequence of UP II promoter. However, determination of whole sequence of UP II promoter from the partial sequence disclosed in D1 is not obvious to a skilled person in the art. Therefore, Claim 1 and Claim 2 involve an inventive step. Claims 3 to 12 also involve an inventive step because they are dependent claims of Claim 1 or Claim 2.

INTERNATIONAL COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 03PP181	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/KR2003/002339	International filing date (day/month/year) 04 NOVEMBER 2003 (04.11.2003)	Priority date (day/month/year) 04 NOVEMBER 2002 (04.11.2002)
International Patent Classification (IPC) or national classification and IPC IPC7 C12N 15/11		
Applicant CHO-A PHARM CO., LTD. et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 3 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 04 JUNE 2004 (04.06.2004)	Date of completion of this report 01 FEBRUARY 2005 (01.02.2005)
Name and mailing address of the IPEA/KR  Korean Intellectual Property Office 920 Dunsan-dong, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer CHANG, Je Hwan Telephone No. 82-42-481-8158 

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/KR2003/002339

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☐ the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the claims:
pages _____, as originally filed
pages _____, as amended (together with any statement) under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the drawings:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language English which is

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☒ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☒ contained in the international application in written form.
- ☒ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed." and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item I and annexed to this report.

PCT COOPERATION TREATY

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From the INTERNATIONAL BUREAU

NOTIFICATION OF RECEIPT OF
RECORD COPY

(PCT Rule 24.2(a))

To:

DARAE PATENT FIRM
10th Floor, KIPS
647-9, Yeoksam-dong, Kangnam-ku
135-980 Seoul
Republic of Korea

Date of mailing (day/month/year) 03 December 2003 (03.12.03)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference 03PP181	International application No. PCT/KR03/02339

The applicant is hereby **notified** that the International Bureau has received the record copy of the international application as detailed below.

Name(s) of the applicant(s) and State(s) for which they are applicants:

CHO-A PHARM CO., LTD. (for all designated States except US)

KIM, Jin-Hoi(all designated States)

International filing date : 04 November 2003 (04.11.03)

Priority date(s) claimed : 04 November 2002 (04.11.02)

03 November 2003 (03.11.03)

Date of receipt of the record copy
by the International Bureau : 25 November 2003 (25.11.03)

List of designated Offices :

AP : GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW

EA : AM, AZ, BY, KG, KZ, MD, RU, TJ, TM

EP : AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IT, LU, MC, NL, PT, RO, SE, SI, SK, TR

OA : BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG

National : AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ,
EC, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KZ, LC, LK, LR, LS, LT, LU, LV,
MA, MD, MG, MK, MN, MW, MX, MZ, NI, NO, NZ, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM,
TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No. (41-22) 338-70-90

Authorized officer:

Carlos NARANJO

Telephone No. (41-22) 338 8349

Continuation of Form PCT/IB/301

NOTIFICATION OF RECEIPT OF RECORD COPY

Date of mailing (day/month/year) 03 December 2003 (03.12.03)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference 03PP181	International application No. PCT/KR03/02339

ATTENTION

The applicant should carefully check the data appearing in this Notification. In case of any discrepancy between these data and the indications in the international application, the applicant should immediately inform the International Bureau.

In addition, the applicant's attention is drawn to the information contained in the Annex, relating to:

- ☒ time limits for entry into the national phase - see updated important information (as of April 2002)
- ☒ confirmation of precautionary designations (if applicable)
- ☐ requirements regarding priority documents (if applicable)

A copy of this Notification is being sent to the receiving Office and to the International Searching Authority.

PCT COOPERATION TREATY

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NOTIFICATION CONCERNING
SUBMISSION OR TRANSMITTAL
OF PRIORITY DOCUMENT

(PCT Administrative Instructions, Section 411)

From the INTERNATIONAL BUREAU

To:

DARAE PATENT FIRM
10th Floor, KIPS
647-9, Yeoksam-dong, Kangnam-ku
135-980 Seoul
Republic of Korea

Date of mailing (day/month/year) 03 December 2003 (03.12.03)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference 03PP181	
International application No. PCT/KR03/02339	International filing date (day/month/year) 04 November 2003 (04.11.03)
International publication date (day/month/year) Not yet published	Priority date (day/month/year) 04 November 2002 (04.11.02)
Applicant CHO-A PHARM CO., LTD. et al	

1. The applicant is hereby notified of the date of receipt (except where the letters "NR" appear in the right-hand column) by the International Bureau of the priority document(s) relating to the earlier application(s) indicated below. Unless otherwise indicated by an asterisk appearing next to a date of receipt, or by the letters "NR", in the right-hand column, the priority document concerned was submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b).
2. This updates and replaces any previously issued notification concerning submission or transmittal of priority documents.
3. An asterisk(*) appearing next to a date of receipt, in the right-hand column, denotes a priority document submitted or transmitted to the International Bureau but not in compliance with Rule 17.1(a) or (b). In such a case, **the attention of the applicant is directed** to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.
4. The letters "NR" appearing in the right-hand column denote a priority document which was not received by the International Bureau or which the applicant did not request the receiving Office to prepare and transmit to the International Bureau, as provided by Rule 17.1(a) or (b), respectively. In such a case, **the attention of the applicant is directed** to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

<u>Priority date</u>	<u>Priority application No.</u>	<u>Country or regional Office or PCT receiving Office</u>	<u>Date of receipt of priority document</u>
04 Nove 2002 (04.11.02)	10-2002-0067856	KR	25 Nove 2003 (25.11.03)
03 Nove 2003 (03.11.03)	10-2003-0077256	KR	25 Nove 2003 (25.11.03)

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No. (41-22) 338-70-90

Authorized officer

Carlos NARANJO

Telephone No. (41-22) 338 8349

PCT

From the INTERNATIONAL BUREAU

NOTICE INFORMING THE APPLICANT OF THE
COMMUNICATION OF THE INTERNATIONAL
APPLICATION TO THE DESIGNATED OFFICES

(PCT Rule 47.1(c), first sentence)

To:

DARAE PATENT FIRM
10th Floor, KIPS
647-9, Yeoksam-dong, Kangnam-ku
135-980 Seoul
RÉPUBLIQUE DE CORÉEDate of mailing (day/month/year)
21 May 2004 (21.05.2004)Applicant's or agent's file reference
03PP181**IMPORTANT NOTICE**International application No.
PCT/KR2003/002339International filing date (day/month/year)
04 November 2003 (04.11.2003)Priority date (day/month/year)
04 November 2002 (04.11.2002)

Applicant

CHO-A PHARM CO., LTD. et al

1. Notice is hereby given that the International Bureau has **communicated**, as provided in Article 20, the international application to the following designated Offices on the date indicated above as the date of mailing of this notice:

AU, AZ, BY, CH, CN, CO, DZ, EP, HU, JP, KG, KP, MD, MK, MZ, RU, TM, US

In accordance with Rule 47.1(c), third sentence, those Offices will accept the present notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above and no copy of the international application is required to be furnished by the applicant to the designated Office(s).

2. The following designated Offices have waived the requirement for such a communication at this time:

AE, AG, AL, AM, AP, AT, BA, BB, BG, BR, BZ, CA, CR, CU, CZ, DE, DK, DM, EA, EC, EE, ES, FI, GB, GD, GE, GH, GM, HR, ID, IL, IN, IS, KE, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MG, MN, MW, MX, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, SC, SD, SE, SG, SK, SL, SY, TJ, TN, TR, TT, TZ, UA, UG, UZ, VC, VN, YU, ZA, ZM, ZW

The communication will be made to those Offices only upon their request. Furthermore, those Offices do not require the applicant to furnish a copy of the international application (Rule 49.1(a-bis)).

3. Enclosed with this notice is a copy of the international application as published by the International Bureau on 21 May 2004 (21.05.2004) under No. WO 2004/042062

4. **TIME LIMITS for filing a demand for international preliminary examination and for entry into the national phase**

The applicable time limit for entering the national phase will, **subject to what is said in the following paragraph**, be **30 MONTHS** from the priority date, not only in respect of any elected Office if a demand for international preliminary examination is filed before the expiration of **19 months** from the priority date, but also in respect of any designated Office, in the absence of filing of such demand, where Article 22(1) as modified with effect from 1 April 2002 applies in respect of that designated Office. For further details, see *PCT Gazette* No. 44/2001 of 1 November 2001, pages 19926, 19932 and 19934, as well as the *PCT Newsletter*, October and November 2001 and February 2002 issues.

In practice, **time limits other than the 30-month time limit** will continue to apply, for various periods of time, in respect of certain designated or elected Offices. For **regular updates on the applicable time limits** (20, 21, 30 or 31 months, or other time limit), Office by Office, refer to the *PCT Gazette*, the *PCT Newsletter* and the *PCT Applicant's Guide*, Volume II, National Chapters, all available from WIPO's Internet site, at <http://www.wipo.int/pct/en/index.html>.

For filing a **demand for international preliminary examination**, see the *PCT Applicant's Guide*, Volume I/A, Chapter IX. Only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination (at present, all PCT Contracting States are bound by Chapter II).

It is the applicant's **sole responsibility** to monitor all these time limits.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Idhir Britel

Facsimile No.+41 22 740 14 35

Facsimile No.+41 22 338 70 90

PATENT COOPERATION TREATY

PCT

INFORMATION CONCERNING ELECTED
OFFICES NOTIFIED OF THEIR ELECTION

(PCT Rule 61.3)

From the INTERNATIONAL BUREAU

To:

DARAE PATENT FIRM
10th Floor, KIPS
647-9, Yeoksam-dong, Kangnam-ku
135-980 Seoul
Republic of Korea

Date of mailing (day/month/year) 25 June 2004 (25.06.2004)		IMPORTANT INFORMATION	
Applicant's or agent's file reference 03PP181			
International application No. PCT/KR2003/002339	International filing date (day/month/year) 04 November 2003 (04.11.2003)	Priority date (day/month/year) 04 November 2002 (04.11.2002)	
Applicant CHO-A PHARM CO., LTD. et al			

1. The applicant is hereby informed that the International Bureau has, according to Article 31(7), notified each of the following Offices of its election:

EP : AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IT, LU, MC, NL, PT, RO, SE,
SI, SK, TR
National : BG, CA, CN, DE, IL, JP, KP, MN, NO, PL, RO, RU, SK, US

2. The following Offices have waived the requirement for the notification of their election; the notification will be sent to them by the International Bureau only upon their request:

AP : GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW
EA : AM, AZ, BY, KG, KZ, MD, RU, TJ, TM
OA : BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG
National : AE, AG, AL, AM, AT, AU, AZ, BA, BB, BR, BY, BZ, CH, CO, CR, CU, CZ, DK, DM, DZ, EC,
EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IN, IS, KE, KG, KZ, LC, LK, LR, LS, LT, LU, LV, MA,
MD, MG, MK, MW, MX, MZ, NI, NZ, OM, PG, PH, PT, SC, SD, SE, SG, SL, SY, TJ, TM, TN, TR, TT, TZ,
UA, UG, UZ, VC, VN, YU, ZA, ZM, ZW

3. The applicant is reminded that he must enter the "national phase" before the expiration of 30 months from the priority date before each of the Offices listed above. This must be done by paying the national fee(s) and furnishing, if prescribed, a translation of the international application (Article 39(1)(a)), as well as, where applicable, by furnishing a translation of any annexes of the international preliminary examination report (Article 36(3)(b) and Rule 74.1).

Some offices have fixed time limits expiring later than the above-mentioned time limit. For detailed information about the applicable time limits and the acts to be performed upon entry into the national phase before a particular Office, see Volume II of the PCT Applicant's Guide.

The entry into the European regional phase is postponed until 31 months from the priority date for all States designated for the purposes of obtaining a European patent.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. (41-22) 338.70.90	Authorized officer: Khoudir FERTIKH Telephone No. (41-22) 338 8458
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